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OGC 9-1644

10 November 1959

MEMORANDUM FOR: Mr. Houston

SUBJECT: Separation of Surplus Personnel

25X1A 1. I today took down to Mr. Karl Ruediger, Office of General Counsel, Civil Service Commission, the 4 November 1959 drafts of Regulation [] Handbook [] and Regulation [].

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2. He was of the opinion that the proposed Regulation [] is in excellent condition but he suggested that the last clause of paragraph 2a which reads "assuming either to be applicable to the Agency" be stricken. He stated that it is the firm opinion of his office that neither the Veterans' Preference Act nor the Civil Service Regulations apply to CIA.

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25X1A 3. Mr. Ruediger stated that proposed Handbook [] is in good shape and his only comment was that we should remember that in the light of the [] case, once having issued the Regulation, we would be bound by it.

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4. With respect to Regulation [] Separation Compensation, he stated that with respect to the appeal in paragraph 3a it would be well to specifically state to whom the appeal is made and to set a time limit. Mr. Ruediger pointed out that they have gotten in trouble in the courts on this point. I would suggest that the appeal be to the Director and that it be made within a period of, say, 180 days. Mr. Ruediger was a little confused with paragraph 4 entitled "Responsibilities" and I must admit that I am too. We both feel that this could well be included as subparagraph 3d. His final comment, which had to do with paragraph 5, was the suggestion that the word "basic" be placed in front of the word "salary" in computing separation compensation in order that there be no misunderstanding with respect to the inclusion of allowances, overtime, etc. He felt, however, that basically a separation compensation regulation is one which should be cleared with the General Accounting Office or the Bureau of the Budget.

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5. I think that all of Mr. Ruediger's points have a valid basis and should be adopted. I was unable to see Mr. Meloy, the General Counsel, due to the fact that he was tied up but I asked that our appreciation be expressed for the assistance his office has given us in connection with these Regulations.

cc: Director of Personnel

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[] Assistant General Counsel

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